Preserve

App. F IX-4

1927-8 (Mc) File No. 91-27

Serial Nos. 1 to 14

Previous References

ML 151-26 Sl 1-7

Later References

General and Revenue Secretariat.

Serial Nos. 1 to 9

Part B for April 1928

SUBJECT

Appointment of Mr T Srinivasachar as a member of the Committee formed to Consider the Bill for the amendment of the Mysore Municipal Regulation

To 1 Mr T Srinivasachar
2 Rao Saheb Thangavelu Mudaliar
3 The Other members of the Committee
4. The Comptroller to Govt.
5 The Compiler Mysore Gazette
6. The Press Lab'd

G.O No L 6163-73 of 3-4-1928 appointing Mr T Srinivasachar and Rao Saheb Thangavelu Mudaliar as members of the Committee

14

3 Cyclostyled

e295

Subject

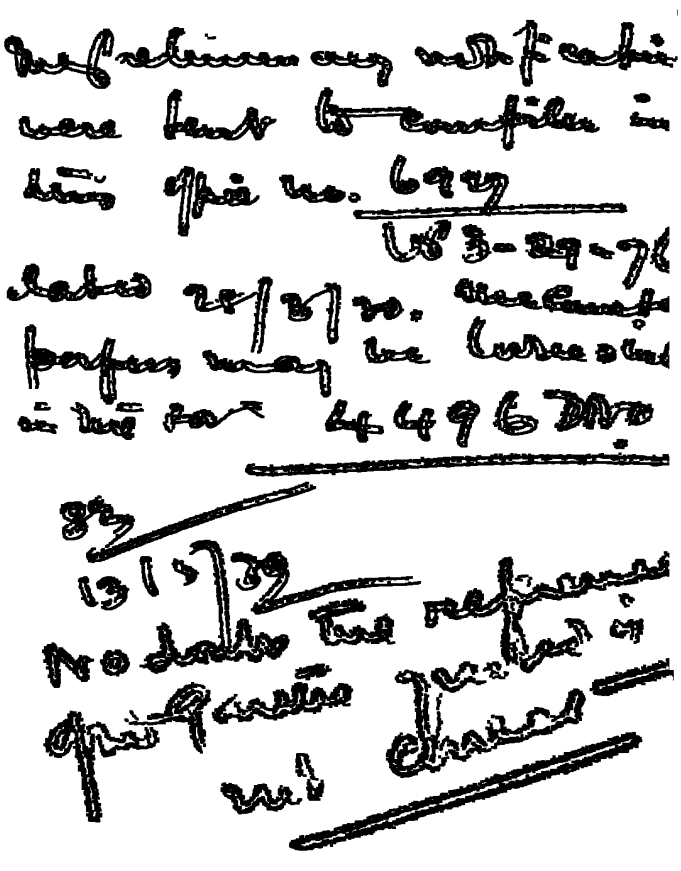
Question of placing the Agriculturists' Relief Bill and the Bill for amending the Mysore Municipal Regulation before the next Session of the Representative Assembly.

Note —
(in Council)

No.1 to be placed before R A in June Session, and No 2 in October Session

Asst Secretary L S G to take early action

Chief Secretary



O B 4169

Registrar

1 I am told that there is a valuable note by the late Mr Rangacharlu on Lord Ripon's Local Self Govt, and which led to our [illegible] A

2 Please see if this is found among our printed selections

(Intd) K C

24-3-27

3 Submitted.

4 A careful search was made in the printed selections and other papers in the General Records and the note referred to above was not found

5 Dewan Rangacharlu's views on Local Self Govt Scheme are however contained in his address to — the Dewara Representative Assembly on the 26th Oct 1882 (Flag W) in Vol I of Addresses of the Dewans of Mysore from 1881 to 1895

First Member)

Intd. C E F

31-3-27

6 Seen Thanks

7 Please see if Mr Rangacharlu's minute that led to the formation of [illegible] A is among our printed selections

8 Mr Seetharamaiya should take extracts from Flag [illegible] re Municipal members not having executive functions

Intd [illegible]

4-4-27

To

Mr [illegible]

Intd [illegible]

Received and copy taken on 11/4/27

[illegible] 11/4/27

Ml 91-27

G. R. S. III—5]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

1) The draft Manor Burials Bill with the Statement of Objects and Reasons and notes on clauses is submitted for approval

DS
7/5/27

2) I member) 26/5

3) This may be passed on half an hour - the Minister authorised to effect such verbal changes as may be necessary in the Select Committee

12288/28/5

28/5

N B —Should routine notes be written on small slips the notes must be stuck, or slips pasted on this form

5) A draft Bill as settled in DS 6) Approved by Minister
4/6/27

7) Returned with D.O. No. S.D. 78 of 6-6-27

[illegible]

[illegible]

[illegible]]

ROUTINE NOTES

be d only for notes, requisitions etc not intended for permanent record]

Submitted

The Bill relating to the amendments to be made in the existing Mysore Municipal Regulation so as to adopt it to the larger Municipalities in the State has been completed

As there are some doubtful points a personal discussion would facilitate the final form in which the Bill may be got printed for submission to the Member

If it is possible for the Assistant Secretary to devote some time for this at Mysore, I shall bring the draft or send it for his approval in accordance with the instructions that may be --- received If it is not possible to spare any time at Mysore for this work the scrutiny of the Bill will have to lie over till the Assistant Secretary goes to Bangalore

The first proof of the Draft Minor Municipalities Bill which was received from the Press has been scrutinised and final proofs have been called for

This not possible to spare any time here 16/6

16/6/27

N B – Should routine notes be written on small slips the notes must de copied or slips pasted on this form

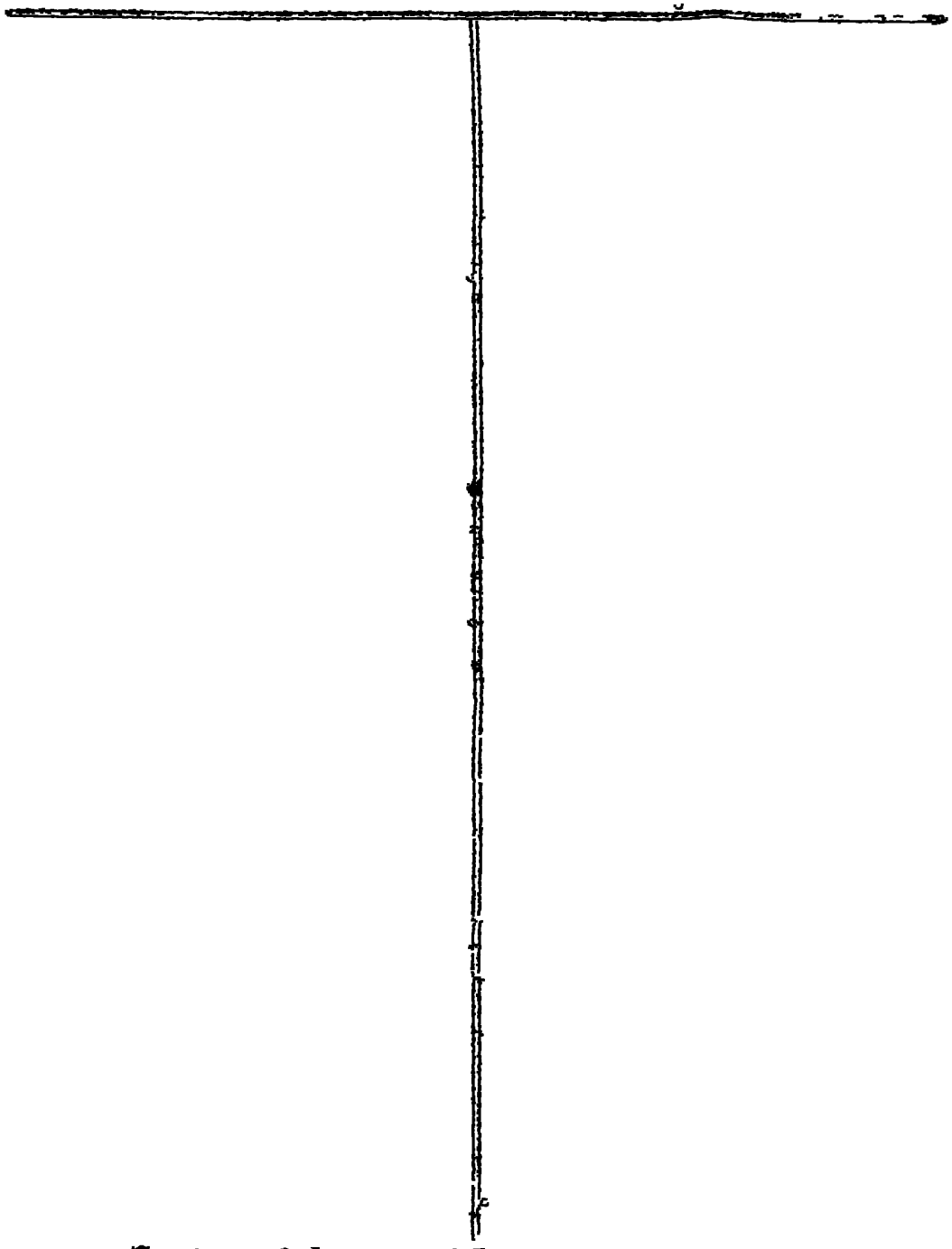
[illegible] W D 1880—GPB—1 50 000—2 16/6/27

16/6

The draft Bill as Suggested

REVENUE NOTES.

[To be used only for notes, explanations, etc., not intended for permanent record]



N. B.—Sheriff's receipts must be written on one side of the paper only, and must be signed, or they cannot be filed here.

ML 91-27 (2

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requestions, etc., not intended for permanent record.]

DEWAN'S OFFICE.
Received on
28 JUN. 1927
Ref. No. 6115

8) A proof of the draft Mysore Mines Municipalities Bill is submitted for approval

DS
22/6/27

7) I member 6/7/6

M-225/25/6

9) The Statement of Objects & Reasons may be amended in terms of Dewan's approval at an early opportunity

Sec 27/6/27

9) Dewan) 27/6

10) Y/m 28/7

DS 29/6

DS 29/6

11) Ch Sec) DS 4/7

CS

12) Sec B Circulate DS 4/7

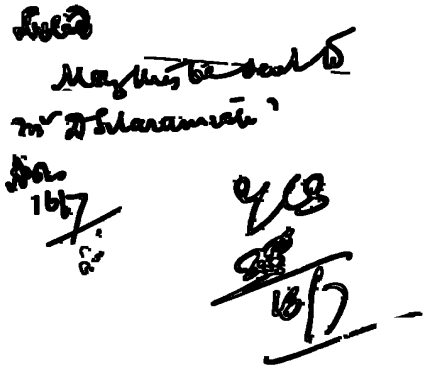
N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on, this form.

G R S III—3]

Routine Notes

[To be used only for notes, requisitions etc not intended for permanent record.]

3 —Shou ıline not le written on small lips the ı s must be copied (s ips pasi d on this form



M 91-27

C3 927-8

Subject

The Mysore Minor Municipalities Bill

OPINION OF THE COUNCIL

The bill may be sent for

to (1) Mr Narasa Iyengar

(2) " Taj Peeran

3) Mr Gowda Rao

4) B Rajagopala

5) A V Ramanathan

6) K V Ananthanarayana

Replies to be obtained in a fortnight

Nil
14/7

14) Law Secretary with Compts.

Nil
15/7
8
14/7
16/7

9116 ALL 91-27

G.R.S. III—8]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

13) A draft Rs U 28 Sanctd
TJS
16/7/27 9b) Issue.
SS
6/7

SL1 To Messrs B T Kesavamurthy, A K Syed Taj Rasaq, T. Gowda Rao, B Kagappa, A U Ramanathan and K V Anantaraman
No. L 389-94 of 18-7-27
Forwards copy of the Bill and requests them to favour this Govt with their opinion on or before 2nd proximo.

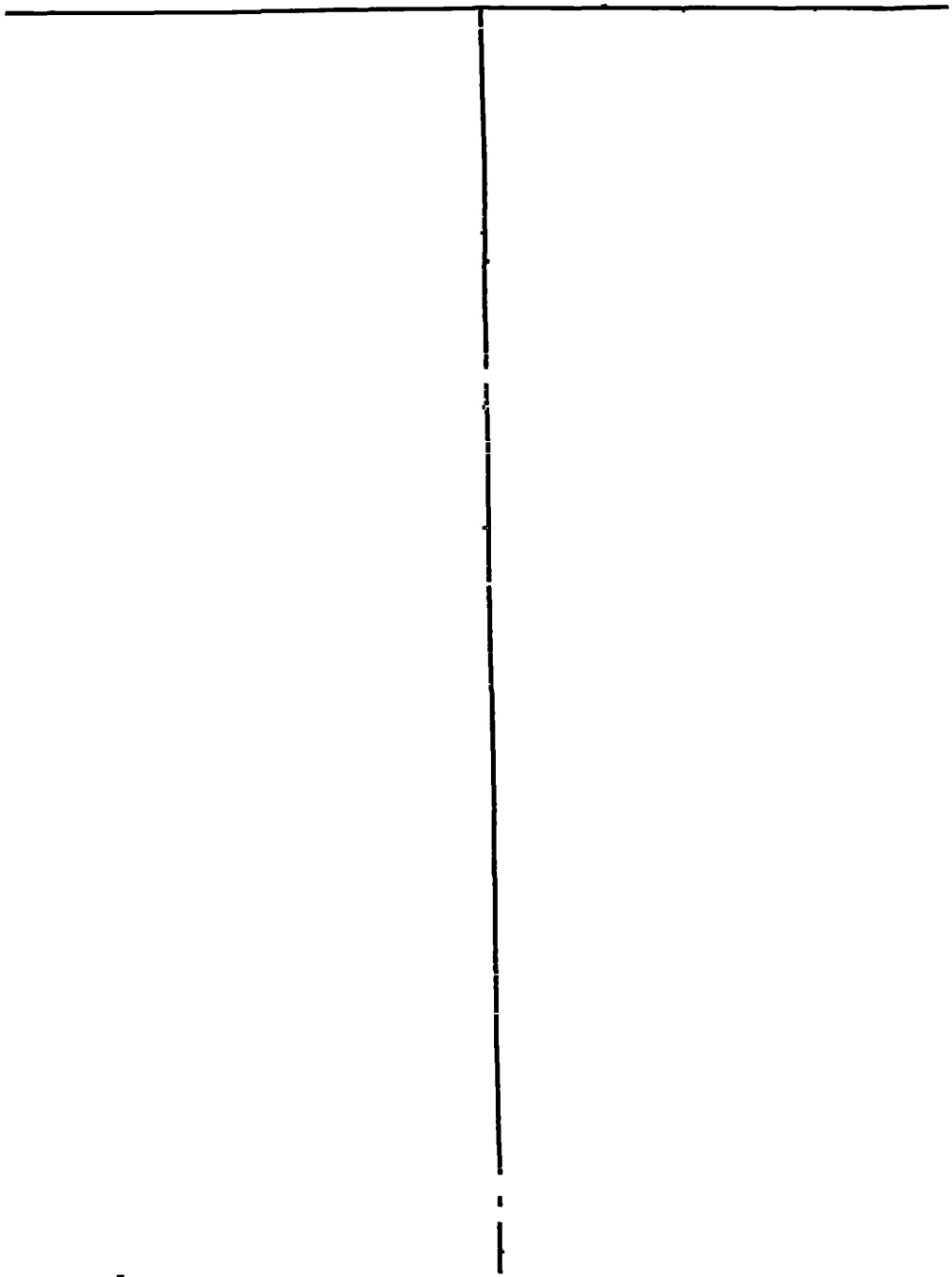
2. From Mr Syed Taj Rasaq No. T 9/27-28 of 19-7-27
3 From Mr Anantaraman L Dis 322/27-28 of 6-8-27
4 From Mr Ramanathan L Dis D. 316-27 of 2-8-27
5 From Mr B T Kesavamurthy A 3-29/27-28 of 18-8-27
6 From Mr T. Gowda Rao No. 40/27-28 of 23-8-27
7 From Mr. B Kagappa. No. of 31-8-27
Recd 5-9-27

N.B.—Should routine notes be written on foolscap paper the notes must be copied, or slips pasted on this form.

S.R.S. III—8]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]



N.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

(7) All the six officers consulted are ageeable generally to the provisions contained in the Draft Minor Municipalities Bill Messrs. A V.Ramanathan and T Govinda Rao have not suggested any alterations

(8) ~~trons~~ Mr Anantharaman considers that Amildars and Deputy Amildars should be given a place in the new scheme proposed and may be given the right of inspecting the Municipal Office and reporting to the Sub Division officer (9) Mr B T Kesava-Iyengar considers that in lieu of the provision in Clause 12(1) it would be desirable to confer the privilege of electing a President on such of the Municipal Councils as are able to put forward suitable candidates He considers that the Amildar should be given some powers of control over the Minor Municipal Councils and that though provision regarding surcharging the officers of the Municipal Council against loss, waste or misapplication is a wholesome one, these powers should not be exercised by the Auditor independently He proposes to associate the Local Officers in the exercise of the surcharge powers by the Auditor and considers that the final decision as to whether an officer should be surcharged or not must be left to the discretion of the Deputy Commissioner

(10) Mr Taj Peeran considers that the principle enunciated in the Bill in the matter of allowing Municipal Councils to elect non-official presidents in the

to him o the President

generality of cases may be given a trial and the experiment may be tried with caution first in the headquarters of Sub Divisons and a few important taluks selected by the Deputy Commissioners As regards surcharge, he considers that the Auditor may make out a list of cases of expenditure which in his opinion are objectionable and forward the same to the Deputy Commissioner for taking such action as he deems fit He also considers that the party aggrieved may be given a right of appeal to the Government from the order of the Deputy Commissioner and may also be allowed to sue Government in cases where the decision of Government is also adverse

21) Mr B Nagappa considers that it will be a wise step to throw open the office of the President for election after making provision for sufficient safeguards as regards control and limiting the president's powers in certain respects As regards surcharge, Mr Nagappa considers that the certificate of the Auditor should be scrutinised by the Assistant Comptroller who should be required to give his opinion regarding the demand made

22) Messrs Taj Peeran and Nagappa have suggested certain modifications in the clauses of the Bill and they have been shown in the statement appended

23) Submitted for orders with reference to the Council Note in para 13

5555/11/1 9/9/27 (Member)

No.	Suggestion	
8	Mr Nagappa Sub Clause (3) of this clause should provide for vesting of the property of the Municipal Council in Government and not in the Commissioner	The suggestion may be adopted.
9	Mr Nagappa. Resignation must take effect either from the date of notice or from the date of acceptance as in Section 15(A) of the existing Regulation Mr Tai Peeran Notice of resignation of Presidents who are non-officials should be given to the Sub-Division officer or to the Deputy Commissioner (where he may be in direct charge of a Taluk) also with a view to enable him to communicate to the Amildar who may promptly assume charge of the business of the Municipality	As the President is elected by the Municipal Council it is better that his resignation is approved by the Municipal Council The Councillors may have been delegated some powers of the Council and in their case also it is better if the resignation is approved by the Council In order that there may be no unnecessary delay in accepting the resignation provision was made in the draft bill that the resignation will take effect from the date of the next meeting This may be done under rules made or by a G.O.
10	Mr. Nagappa. It is better to enact the provisions of Section 27 of the Bombay City Municipalities Act in lieu of this clause	The suggestion does not involve any change in the principle and may be accepted.
12	Mr Tai Peeran Wherever Presidents are appointed by Government by office it seems necessary to give the Municipal Council the privilege of electing a non-official Vice-President who will exercise such powers as may be delegated to him b the President	The necessity for a Vice-President in addition to a President in Minor Municipal Councils is not apparent

12 Mr. B.Nagappa.
Election of President should be made by the Municipal Council from among its non-official councillors, without any restriction The words "in such manner as may be determined by the Municipal Council" in Sub Clause (1) may be omitted ?

No restrictions regarding election of President or Vice-President is ~~made in any rules framed by the Government~~ in the Bombay City Municipalities Act ~~The suggestion made by Mr Nagappa may be appears adopted.~~

This is a matter of Policy

Mr. Tai Peeran
Sub Clause (1) leaves it to each Municipal Council to determine the manner in which the President should be elected This is better done by Government (Vide Section 23 of the existing Regulation)

13 Mr Tai Peeran
There is no provision in the Bill for special meetings which in the opinion of a sufficient number of councillors may be necessary Some provision as in section 26(2) of the existing regulation may be made, one-third of the whole number of councillors being given the privilege of bringing about such a meeting.

~~This matter may be provided for in the rules. No such provision exists in the Rangoon Act.~~

The suggestion may be adopted

The words "thorughout the meeting" may be added at the end of sub clause (2) It may be clearly provided that it is open to any member of the Council to draw the attention of the President at any stage of the Proceedings that the minimum number of members are not present and that the proceedings should be stopped

The addition of the words proposed may be made It is not necessary to provide for members of Council drawing the attention of the President to the quorum not being present, in the Regulation itself This may be provided for in the rules

To discourage persistent absence of meetings on the part of members some provision is necessary Absence from four consecutive meetings may entail the cessation of membership

~~This matter may also be provided for in the rules No such provision exists in the Rangoon Act In Madras~~ Power is given to the Municipal Councils in Madras to restore councillors who have lost their seat on account of continued absence

			Clause 10 of the Bill appears to be sufficient and Government may remove on the recommendation of the Municipal Council any councillor who has been guilty of misconduct in the discharge of his duties.
8.	13	A copy of the minute may be submitted to the Deputy Commissioner through the Revenue Sub-Division Officer or a copy sent to the Revenue Sub-Division officer also simultaneously. It is desirable that in view of the the provisions in clauses in 28 and 29 the Revenue Sub-Division officer should be in close touch.	If it is considered necessary to invest the Amildar with powers of control over Minor Municipal Councils as has been suggested by some of the officers consulted, the Municipal Councils may be required to submit a copy of the Minutes of the proceedings to the Amildar.
9.	17	Messrs. B.Nagappa and Taiffeeran. It is better to enumerate the discretionary duties	It was considered unnecessary to state in detail all the discretionary duties as in section 56 of the present Municipal Regulation. In the said section a provision to the effect that any other measure not specified above likely to promote the public safety, health and convenience will be a discretionary function, exists. It appears better to define what items are comprised in the discretionary duties in the rules to be prescribed under the regulation.
10.	1	Mr. B.Nagappa. It is better to define very clearly what is meant by the development of economic condition with special reference to education, agriculture industries and commerce.	This may be considered while framing rules under the Bill after it is passed into law. The words used in the Bill closely follow what is contained in the present Regulation (Sec 54)

11.	19	Mr B. Nagappa I would prefer the provision made in this Section 41 of the present Regulation being adopted in lieu of this clause	The provision made inthe Bill appears to be more suitable to the requirements of Minor Municipal - Councils The existing Regulation provides that the provisions of the Land acquisition Regulation should be enforced only when there is hindrance to the Municipal Council -- acquiring land upon payment The - Land Acquisition Regulation does not prescribe any such condition for local authorities to acquire lands for public purposes The provision inthe Bill is based on Section 40 of the Act in force in the Central Provinces
12	25	Mr Taj Peeran (1) In Sub-clause (1) (b) for the word "neglect" the words "gross neglect" may be substituted	(1) The provision in the draft Bill is based on Section 653 of the Madras District Municipalities Act In Section 37 of the District Boards' Regulation the words "gross neglect" have been adopted The suggestion of Mr Taj Peeran may be adopted
		(2) Clauses 25 (1) (b) and 50 ~~may~~ provide for two agencies to determine the amount to be recovered in the same classes of cases The two clauses may be combined	(2) Clauses 25 and 50 relate to different matters Audit by the auditor - takes time and Deputy Commissioner -- should have power to demand and recover amounts lost etc when the auditor has not or no means of finding out loss etc It would be sufficient if Mr Nagappa's suggestions to allow appeals to Govt (Vide item 25 (3) and (4) are ~~applied~~ adopted

Ministry proceedings are taken under the A & R Regn in order to get in touch to the conditions in the existing Regn as proposed to be omitted.

		25 (3) I would allow appeals to the Government from the order of the Deputy Commissioner (4) I would give the power to Government to sanction a suit being filed for compensation against President etc This power should ~~be~~ not be vested in the Deputy Commissioner	The suggestions may be adopted
13	27	Mr. B Nagappa and Mr Tai Peeran The power to compromise suits and claims should be left in the hands of the Municipal Council	The suggestion may be adopted
14	28	Mr. B Nagappa The Amildar may be allowed to exercise control over Minor Municipal Councils The word "Amildar" may be inserted after the words "Assistant Commissioner" wherever they occur in clauses 28,30 and 31 so as to give powers of control to the Amildar	This is a matter of policy
15	29 & 32	Mr. Tai Peeran Clause 29 practically covers the same ground as clause 32 They may be recast into one	Clause 29 does not cover the same ground as clause 32
16	~~29xxfii~~ 29 (1)	Mr. Tai Peeran The "Revenue Sub-Division Officer" may be used for "Assistant Commissioner" in the Bill as officers of non-civil service who are not called Assistant Commissioners will be in charge of Taluks	~~The suggestion may be adopted~~ no changes necessary since under the recent orders the distinction has been removed

16	29 (2)	Mr. Tej Peeran The power of amending or annulling the order of the President by the Revenue Sub-Division officer may be provided for In clause 38 appeals from the order of the President have no doubt been provided but the Deputy Commissioner or the Sub-Division should have powers to revise suo moto when taking action under Section 36. of the Regulation.	The suggestion may be adopted.
17.	32	Mr. B.Nagappa. Power to suspend the action of the Municipal Council should be vested in the Deputy Commissioner and not in the Assistant Commissioner. The words "Assistant Commissioner" may be omitted in this clause.	It is better if the Assistant Commissioner is also given the power to suspend the resolutions of the Municipal Council The Amildar has power under Section 52 of the Village Panchayet Regulation to suspend the Resolutions of Village Panchayets.
18.	36.	Mr. B. Nagappa I am not in favour of appointing separate inspectors for each district to inspect and superintend the operation of Municipal Councils.	This is a question of principle It was not intended that the Municipal Councils should be asked to contribute Panchayet Inspectors are paid for by the Government and they may be asked to inspect the Municipal Offices also if Government do not consider it necessary to appoint any extra staff. Power to appoint the Inspectors as in the V P.Regulation appears necessary.
	"	Mr. Tej Peeran. Who should meet the cost of maintenance of inspectors is not made clear. If the Municipal Councils have to contribute it may be stated so	
19.	37.	Mr. Tej Peeran. The order of the D.C. ought to be appealable to the Government especially so as the Civil Courts are barred to entertain suits in the matter.	This is a question of principle If the suggestion of Mr Tej Peeran is to be accepted, the District Boards Regulation the principle of the V P.Regn. and the existing Municipal Regulation will have to be amended accordingly adopted in this Bill

	53	Mr. B.Nagappa. The power to compound the payment of tolls and octroi should vest in the Municipal Council and not in the President.	The suggestion may be adopted.
21.	57.	Mr. B.Nagappa. (1) The clause enables Government to make rules to recover dues in any manner they please. It is doubtful whether the legislature would consent to vest such power in the rule making authority. The existing Regulation does not contain any provision enabling the Municipal Councils to attach immoveables for non-payment of dues. Such powers should not in my opinion be given to Municipal Councils. If the Government adopt the policy of giving such powers, it would be better to define those powers in the Regulation itself as in Section 40 of the Village Panchayet Regulation. (2) In sub-Clause(3) it is better to clearly fix the time for the starting point for limitation. This can be done by introducing section 40 of the Mysore Village Panchayet Regulation.	(1) In the Bombay City Municipalities Act provision has been made for Municipal Councils attaching immoveable properties for non-payment of taxes. A similar provision has been made in the Draft Bill framed for the major Municipalities in the State. Section 40 of the V.P.Regn. empowers the recovery of arrears of Panchayet dues as arrears of Land Revenue The Section may remain unaltered if the Government are not in favour of recovery of dues of Minor Municipalities as an arrear of Land Revenue Otherwise, a clause similar to Section 40 of the Village Panchayet Regulation may be adopted. (2) It is not necessary to provide for refusal of license on the ground suggested It is not the function of Municipal authorities to enquire into ownership of sites
22.	65	Mr. Tej Pooran. Veryerton disputes arise as to the ownership to the sites and in such cases permission has to be refused. Provision for such refusal may be made.	

3	65.	Mr. Tej Pooran. In practice it is not always possible to dispose of applications for licenses within a month after their receipt, particularly in cases of disputes referred to above. It is therefore very desirable to allow three months	Vide Note against Serial No.22 As Municipal authorities need not enquire into disputes of ownership the extension of time suggested is unnecessary. The clause in the Bill is based on the provision in the Village Panchayet Regulation
24.	[illegible]	Clause 3 of Section 96 of the existing regulation provides for a provisional order directing that for a period not longer than three months from the date of the order the intended work shall not be proceeded with, may be adopted.	As Minor Municipal Councils are only a little better than Village Panchayets, the provision proposed appears unnecessary. In the case of larger municipalities such a provision is necessaryand under the Bombay District Municipalities Act and the Bombay City Municipalities Act the period for which the Municipal authorities may direct that the work shall not be proceeded with is only one month, and in the draft Bill for the major municipalities the period of three months now allowed under the existing regulation is proposed to be reduced to one month as in the Bombay Municipalities.
25.	71	Mr. B.Nagappa. The power to search for and inspect unwholesome articles ought not to be given to any councillor but only to a councillor authorised by the Municipal Council.	The suggestion may be adopted
26.	75	Mr. B.Nagappa. It is better to make this clause correspond to section 55 of the District Boards' Regulation or section 30 of the V.P.Regn.	Section 30 of the V.P.Regn. gives wider discretion to Government to notify what [illegible] purposes [illegible] premises may not be used. The clause may be redrafted according to section 30 of the V.P.Regn.
27.	85.	Mr. B.Nagappa. Municipal Councils should have the power to compromise and compound offences and not the President.	The suggestion may be adopted.

Gen. and Revenue Secretariat

THE MYSORE LEGISLATIVE COUNCIL

December 1927

QUESTION No. 91

(By Mr D.H Chandrasekharaiya).

Will the Government be pleased to state:

(a) Is it not a fact that the Government have appointed a committee to suggest amendments to and alterations in the existing Municipal Regulations and if so, who are the members of that Committee and when was it constituted?

(b) Whether the said Committee have already submitted any report in the matter? If not, what further time are they expected to take before sending in their final report?

(c) Have not the Government conceded on several occasions that our Municipal Regulations requires a thorough recasting in important directions so as to suit the different conditions of municipal life and if so, what action do the Government propose to take in this connection?

2420 L

App F III—2]

General and Revenue Secretariat | File No ____ of 192

Serial No

2420/24/11

Interpellation regarding Committee for considering Amendments to Mul Reps

— " —

The connected files are put up below The idea seems to have been that a Committee should be appointed after suggestions were rec'd from all Govts and Mul Cls No committee has yet been constituted

Reply may be given as below —

or (a) No Committee has yet been appointed

(b) The question does not arise in view of the answer to (a) above

(c) The suggestions of various official and non official gentlemen have been obtained ~~and draft bills prepared~~, ~~further action is under consideration~~

of draft provisional draft bills have been prepared in the Secrett The proposed changes have ~~further action is under consideration~~ The matter is engaging our attention

Mul 9/11/11

First Member

I shall be glad if Under Secy will pass on to Chief Secy soon the second draft bill also both have to be considered in Council before we apply the Committee The first is, I believe, in Chief Secy's O The proposed answer may be submitted to Chief Secy's office before forwarded

Lee 25/11

If such questions are asked, we should state that the proposed Standing Committee

NOTE—Contn sheet

WI 0324 GPB—60 0.0—24 5 27

App F III—2]

ral and Revenue Secretariat | File No of 192

Serial No

For perusal before issue of answers to Office of Secy & C

CHIEF SECRETARY 25 NOV 1927

MW 25/11

Ch Secy

Sec H first bill has not yet come to me with the opinions of officers consulted

MW 25/11

By Income tax reply (MW DS to see to sending bills to Ch Secy)

MW 25/11

Typist to type 20 d c & issue to take the copies

MW 25/11.

Copies taken and the file returned.

P S to Branch with compliments

OFFICE OF THE SECRETARY TO THE PSM 25 NOV 1927 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

26/11/27

26 11 27

NOTE—Contn sheet

WD 0324—GPB—60 0L0—24 5 27

Page 1 of 27

App F III—2]

General and Revenue Secretariat — File No 91 of 1927

Serial No

Please Submit to Council may perhaps be disposed of by Circulation, the Suggestions being all noted for Consideration by the ad hoc Committee. ~~Which~~ ~~Draft~~ The name of Committee Members may also be inserted first done

12/1/28

Chief Secy)

12/1/28

CHIEF SECRETARY
12 JAN 1928

I would suggest the following for consideration

1. Messrs P G D'Souza — Offg
2. B Nagappa — do
3. Md Abbas Khan — Leg Counsel
4. ~~Sir~~ M C Lingegowda — do
5. L Venkatesh — R A
6. B Srinivasaraya — do

[Addl names are
Mr S C Mallaya L C
" S Venkatarayya R A I

If there is no objection to go outside the RA & LC, Mr B. Narasingha Rao of Seringapatam and Mr Shama Sastri of Maddagiri would make good members

Ch Secy

24/1 Mon

May perhaps be discussed at Mr Rama Rao's meeting on Mon, 23rd inst at 5 PM in the Secretariat

23/1/28

Please show me the personal file of Mr Venkatesh & Mr Lingegowda from the Secretariat

23/1

CHIEF SECRETARY
25 JAN 1928

NOTE—Contn sheet

W L 0324—GPB—60 0.0—24 27

10

(For Disposal at a Meeting)

No C. 257
7 1924-25

GENERAL AND REVENUE SECRETARIAT

Council Matter

SUBJECT

(clause 11 of the schedule)

The Mysore Municipalities Bill

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief Secretary to Government.

26th January 1925

First Member of Council. 28/1/25

Second Member of Council. 28/1/25

Third Member of Council 30/1/25

D2

Subject -

The Mysore Minor Municipalities Bill.

The draft Minor Municipalities Bill prepared in the L S G Branch was considered in Council on the 14th July 1927, when it was decided that the opinion of the --- following officers might be obtained -

(1) Mr B T Kesava Iyengar,
(2) Mr A K Syed Taj Peeran
(3) Mr T Govinda Rao,
(4) Mr B Nagappa,
(5) Mr A V Ramanathan,
(6) Mr K V Anantaraman

The opinions of these ~~District~~ Officers ~~who were consulted~~ have been obtained and all of them are agreeable generally, with the provisions contained in the Bill Some of them, however, have made ~~some~~ suggestions for revising certain provisions in the Bill ~~The~~ A statement containing ~~in regard to this~~ is placed in the file

The First Member has suggested that an Adhoc Committee may be appointed to --- consider the matter The General Secretary has suggested the following names for the Adhoc Committee -

(1) Mr P G D'Souza (Official)
(2) Mr B Nagappa (--do--)
(3) Mr Md Abbas Khan (L C)
(4) Mr M C Linge Gowda (L C.)
(5) Mr L Veema Reddi (R A)

(6) Mr B Srinivasa Iyengar, (R A)

He also adds that if there is no objection to go out of the Representative Assembly and -- Legislative Council, Mr B Narasinga Rao of Seringapatam and Mr Shama Sastri of Maddagiri would make good members

The First Members considers that Mr B Narasinga Rao or Mr Krishna Rao would be helpful and one of the Deputy Commissioners also He also suggests that the matter may be discussed in Council

C 230

(For Disposal at a Meeting)

No C 3 9
1927-28

GENERAL AND REVENUE SECRETARIAT

Council Matter

SUBJECT

(clause II of the schedule)

The Mysore Minor Municipalities Bill

CIRCULATED TO THE MEMBERS OF COUNCIL

By Order

M. S. Rama Rao

Chief Secretary to Government.

5th July 1927

32/5/27 **First Member of Council** 5/7/27

5/7/27 **Second Member of Council**

Third Member of Council 8/7/27.

C25

Extract from the Proceedings of the 816th *Meeting of the Council of His Highness the Maharaja held at Bangalore on the* 6th February 1928 *19*

Subject. - Clause ii of the schedule.

The Mysore Minor Municipalities Bill.

OPINION OF THE COUNCIL.

The Mysore Minor Municipalities Bill and the draft Bill to further amend the Mysore Municipal Regulation may be referred to a Committee composed of the following gentlemen.--

Mr. K. Chandy .. (Chairman)
Mr. B. Nagappa.
Mr. K. Madhava Rao.
Mr. Md. Abbas Khan.
Mr. K. S. Manjunaiah.
Mr. B. Narasinga Rao.
Mr. K. V. Anantaraman.
Mr. R. Venkatreddy.

(Signed) Mirza M Ismail,

Dewan of Mysore

EXTRACT

Chief Secretary to Government

For favour of [illegible] note

First Member

Member

WP 438—GPB—1 000—1 9 28

General and Revenue Secretariat | File No ____ of 192

Serial No

CHIEF SECRETARY. 10 FEB 1928

DEWAN'S OFFICE Received on 13 FEB 1928 No

D S N Gokhale with personal note of the First Member.

Dewan)

13-2-28

NOTE—Contn sheet

WD 0324—GFR—40,000—28-2-28

Final Note by the First Member of Council.

Subject :—

The Mysore Minor Municipalities Bill.

When the Bill further to amend the Mysore Municipal Regulation was introduced into the Legislative Council in December 1926, it was suggested by some non-official members that a Special Committee might be appointed to examine the provisions of the Mysore Municipal Regulation and suggest improvements. This suggestion was accepted The existing Municipal Regulation is too complex to meet the requirements of the smaller municipalities. A draft Minor Municipalities Bill has therefore been prepared and a draft Bill amending the Municipal Regulation has also been prepared restricting its scope to larger municipalities and including provisions which have been found by experience to be necessary.

The question of referring these Bills for consideration to a Committee was considered in Council and it was resolved that the Mysore Minor Municipalities Bill and the Bill further to amend the Mysore Municipal Regulation may be referred to a Committee composed of the following gentlemen -

Messrs B. Nagappa, H.Madhava Rao, Mahomed Abbas Khan, H.S Nanjundaiya, B. Narasinga Rao, K.V. Anantharaman and L. Venu Reddy, and myself as Chairman.

The opinion of the Council may be graciously approved.

MEMBER OF COUNCIL.

Bangalore,
9th February 1928.

Submitted to His Highness

I submit herewith a Final Note by the First Member of Council on the subject of the Mysore Minor Municipalities Bill.

for His Highness' gracious approval

Mirza M Ismail

Dewan

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject

Mysore Minor Municipalities Bill

Order

Submitted to His Highness the Maharajah and the Government

16.2.28

Where is the authority?

Chief Min 16-2-28

Home/Pol/27

C 250

General and Revenue Secretariat

SUBJECT

The Mysore Minor Municipalities Bill

*)

31. All urgent fid t l returned w th Hie H gh es orders may th bse ee f instructions dis t ns to th contrary b d ly lat d to he M mb rs f Co l f perusal ft th stu of d

32 Th S t se er ed should ee that rde th se erred t b d t once d hat th fil named t ly ft t th Cl f Secretary for rc l t t th Members

33. In ll other es th fil first b irculated t th M bers of C un il t he dq t and then sent t th S t t concerned fur th ion e f d

Circulated to Members of Council for perusal of His Highness orders before /after issue of orders (*Vide* Rules 31 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure)

By Order

Chief Secretary to Government

Through the Secretary to Government

Law Department. 8/1/72

6860/21/2

FIRST MEMBER OF COUNCIL

7210/26/2

SECOND MEMBER OF COUNCIL.

21/1/72

~~EXTRA~~/Third MEMBER OF COUNCIL

21/1

Law Secy, Wctr Comptr

21/1

NOTE: Contn sheet

1116L

App F III—2J

General and Revenue Secretariat — File No 91 of 1927

Serial No	
	A draft by which constituting the committee is Submitted there are no orders as to who is to be the Secretary of the Committee DS 23/2/28 (Sixth Number) DS 23/2
8	To the Members of the committee and the Complainants No 4899-4907 of 24-2-28 Appointing a committee to consider the the draft Municipalities Bill and the Bill further to amend the Municipal

5968/23/2

NOTE.—Contn sheet

8176
26 3 28

Rel 91-27

G R S III—8]

ROUTINE NOTES

[To be used only for notes, requisitions, etc., not intended for permanent record]

Assistant Secretary,
L. S. G.

It was settled in the Council to-day that Mr T. Srinivasa Char, Municipal Councillor, may be appoint-ed as a Member of the Committee which was formed to consider the Bills for the amendment of the Mysr Municipal Regulation.

Draft

Chief Secretary.
23-3-1928.

CHIEF SECRETARY'S
26 MAR 1928

Draft submd
26/3/28

N B — Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form. WD 1000—6/28—1,50,000—G.P.H.

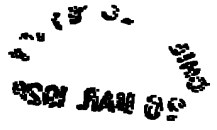
Let us answer his question.

Asst Secy
27/3

27/3/28

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]



N B—Should routine notes be written on small slips, the notes must be copied, or slips pasted on, this form.

mea 1-27-13 48657 2
28-3 28

27/7

Dear Shri Srinivasachari.

In connection with the Draft Manor Land Bill and Draft Publication to amend the existing Land Regulation, I have appointed a Committee to consider the Draft and submit a report ~~before~~. It is proposed to appoint you as an additional member of the Committee. I am to request the favour of an intimation whether you are agreeable to serve on the Committee

Yours sincerely
[illegible]
Secretary to the Govt

To
The Honble
[illegible]

4865
4817

App F III—2]

General and Revenue Secretariat — File No 91 of 1927

Serial No

Resolution Rao sahib
A Thangavelu mudaliar may also be
appointed as a member of the
committee

8112/31/3

First Member ✓

31/3

Dewan
Hon'ble Member ✓

30/3/28.

AM S OFFICE.
received on
31 MAR. 1928
S.S No. 620

31/3/28

31-3-28

Secretary
31/3

14 To Messrs T Sivaswamy A Ramaswamy Mudaliar
the other members Comptroller and Compiler, Mem
IV-6163 730/3 4-28
All Messrs Messrs T Sivaswamy and A
Ramaswamy Mudaliar as members of the
committee

N T Cont lout

GENERAL AND REVENUE SECRETARIAT,

D.O.No. L 23 Ex

Dated Bangalore, 2nd July 27

Dear Sir,

Kindly have the accompanying draft Bill further to amend the Mysore Municipal Regulation to be printed within a week on half margin and four copies of the final proof sent to me. The arrangement adopted for printing the draft Minor Municipalities Bill may be adopted in this case also and sufficient space may be left between the sections.

Yours sincerely,

25 2/7/27 Draft

B. Puttaiya, Esq., B.A.,

Superintendent, Government Printing,

Bangalore.

Mc 91-27-1

Memo of 12 L 287-94 En Bks of 18-7-27

B T Kesava Iyengar, Esq , B A ,
A.K Syed Raj Peeran, Esq , B A
T Govinda Rao, Esq ,
B Nagappa Esq , Bar-at-Law ,
A V Ramanathan, Esq , B A ,
A V Anantaraman Esq , B A ,

Dear Sir,

I am desired to forward herewith a copy of the draft Minor Municipalities Bill and to request you to be so good as to favour Govt with your opinion thereon on or before the 2nd proximo

Yours sincerely,

16/7

Asst Secy to Govt
Law Department

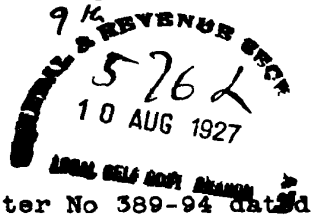
16/7/27

91 - 27 -

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE

No T 9/27 &

Camp Mysore,
Dated Bangalore, the 8th August 1927



Dear Sir,

With reference to your D O letter No 389-94 dated 18th July 1927 requesting me to favour Government with my opinion on the draft Minor Municipalities Bill, I beg to state as follows -

2 I quite agree to the framing of a separate bill for Minor Municipalities so as to make it simple, confine legislation to essential matters, and leave the rest for regulation by rules to be framed and issued from time to time by Government

3 As regards the proposal to let all the minor Municipalities have an elected non-official President, I think that there are ample safeguards in the Bill against mal-administration by non-official Presidents, as Sub Division Officers and Deputy Commissioners have been given vast powers of interference Government have also power under proviso (a) to Clause 12 of the Bill to appoint Presidents either by name or office I think, in these circumstances, the principle enunciated in the Bill in the matter of allowing the Municipal Councils to elect non-offici Presidents in the generality of cases may be given a trial, but the experiment should be tried with caution first in the headquarters of Sub Divisions and a few important taluks selected by the Deputy Commissioners

4 I have no objection to the powers proposed to be given to the Presidents independent of the Municipal Council excepting the power to compound suits (Clause 27)

5 I agree to the proposal to empower the Municipalities to fix the rates of taxation and to vary them from time to time subject to a maximum to be prescribed by Government and to reservation of power in the hands of Government to require Municipality to increase the income by imposing the new taxe

the ra s of existi taxes in cases where the rates

fixed by it are unduly low

6 As regards the proposal to surcharge the President, Councillors &c , for loss, waste or misapplication of Municipal funds, I beg to express a doubt as to whether this will not place in the hands of the auditor - whose status, by the way has not been defined in the Bill - unlimited powers, and will not undermine the prestige of the Municipalities and discourage non-official gentlemen prepared to serve on the Councils In my opinion, it seems to be sufficient to provide that the auditor may make out a list of such cases of expenditure which in his opinion are objectionable according to regulation or rules thereunder &c , and should be recovered from the persons named by him and forward the same to the Deputy Commissioner for taking such action as he deems fit, and to allow an appeal to Government against the orders of the Deputy Commissioner in such cases if adverse to the parties concerned and to give the parties concerned a right to sue Government in case the decision of Government is also adverse

Proviso (b) to Clause 25 and Clause 50 provide for two agencies, viz the Deputy Commissioner and the auditor to determine the amounts that may be recovered in the same class of cases The two clauses may be combined and recast into one in the light of the observations made above

7 The proposal to take away from these Municipalities the power to frame bye-laws and reserve to Government the power to make rules for all matters not provided for in the Bill is also an improvement

8 The words 'Revenue Sub Division Officer" may be used in the place of Assistant Commissioner' wherever occurring as under the existing orders Officers of the non-civil service cadre who are not called Assistant Commissioners will also be in charge of Taluks

9 As regards the other provisions in the Bill, I find that they are generally suitable In regard to a few

matters, I note below a few suggestions or observations -

Clause 9. Resignation of Councillors & Presidents -

It is necessary that notice of resignation of the Presidents who are non-official gentlemen, should be given to the Sub Division Officer or the Deputy Commissioner (where he may be in direct charge of a Taluk) also with a view to enable him to communicate to the Amildar who, if this is done can under proviso (b) of clause 12 (1) promptly assume charge of the business of Municipality

Clause 12 Election or appointment of Presidents --

Wherever Presidents are appointed by Government by office, it seems necessary to give the Municipal Council the privilege of electing a non-official Vice-President, who will exercise such powers as may be delegated to him by the President or the Council

Sub Clause (1) of Clause 12 leaves it to each Municipal Council to determine the manner in which the President should be elected This is better done by Government (vide Section 23 (c) of the Municipal Regulation of 1906)

Clause 13 Meetings -

There is no provision in the Bill for special meetings which in the opinion of a sufficient number of Councillors may be necessary Some provision like that in the existing regulation Section 26 (2) may be made One-third of the whole number of Councillors may be given the privilege of bringing about such a meeting

Sub Clause 2 - The words "throughout the meeting" may be added on at the end of the clause, and it may be clearly provided that it is open to any member of the Council to draw the attention of the President at any stage of the proceedings that the minimum number of members are not present and that the

proceedings should be stopped Otherwise, the prescribed quorum may be present at the commencement of the meeting and members may drop off as business proceeds for some reason or other A few remaining may dispose of important question which may not be desirable In the existing Regulation, Section 26 (7), such a limitation has been made

Then again, to discourage persistent absence at meetings on the part of the members, some provision is necessary Absence from four consecutive meetings may entail the cessation of membership (vide Sec 15 (e) of the existing Regulation)

Clause 13 (7) A copy of the Minute may be submitted to the Deputy Commissioner through the Revenue Sub Division Officer or a copy sent to the Revenue Sub Division Officer also simultaneously It is desirable that in view of the provisions of clauses 28 and 29 the Revenue Sub Division Officer should be in close touch

Clause 17 (3) Discretionary duties - As in Sec 56 of the existing Regulation, more details may be given, for example,

(a) laying out whether in areas previously built upon or not new public streets, and acquiring the land for that purpose including the land requisite for the construction of buildings or curtilages thereof to abut on such streets,

(b) constructing establishing or maintaining public parks gardens, libraries, museums, lunatic asylums, halls, offices, Dharmasalas, rest-houses and other public buildings

(d) planting and maintaining roadside and other trees,

(e) taking a Census and granting rewards for information which may tend to secure the correct registration of vital statistics

Clause 25 B Liability of President and Councillors for loss, waste, or misapplication of Municipal property or funds -

In line 8, for "neglect" the words "gross neglect" may be substituted (vide Sec 42 of the existing Regulation)

[illegible] to a new

Clause 27 (1) Powers to compromise suits and claims -

This clause gives the President the power to compromise independently of the Municipal Council This, in my opinion, is not desirable He may exercise such power if delegated to him by the Council under clause (21)

Clauses 29 & 32 -

Clause 29 practically covers the same ground as clause 32 They may be recast into one

The power of amending or annulling the order of the President by the Revenue Sub Division Officer or Deputy Commissioner may also be similarly provided for In Clause (38) appeals against the order of the President have no doubt been provided, but the Deputy Commissioner or Sub Division Officer should have powers to revise suomoto when taking action under Sec 30 of the Regulation

Clause 36 - Appointment of Inspectors -

Who should meet the cost of the maintenance of these Inspectors is not made clear If the Municipalities have to contribute, it may be stated so

Clause 37 (a) Disputes -

The order of the Deputy Commissioner ought to be appealable to Government especially so since the Civil Courts are barred to entertain suits in the matter

Clause 65 -

Sub Clause (2) - Very often disputes arise as to the ownership to the sites and in such cases permission has to be refused The sub clause does not provide for it It may be amended accordingly

Sub Clause (3) - In practice, it is not always possible to dispose of applications for license within a month after their receipt particularly in cases of disputes referred to above It is therefore very desirable to allow three months

Clause 3 of Sec 96 of the existing Regulation providing for a provisional order directing that for a period not longer than three months from the date of the order, the intended work shall not be proceeded with, may be adopted

Yours sincerely,

B Nagappa Esq , Bar-at-Law,
Secretary to Government,
Law Department

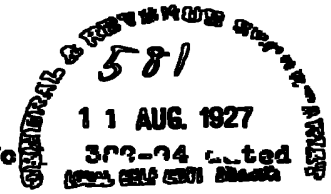
Confidential

D.O No. Lbo I / 322-27-28

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT

Dated Tumkur, 6th August 1927.

ml 91-27-3



Dear Sir,

With reference to your D.O. No. 303-24 dated 18th July, forwarding for my opinion the Karnataka draft Minor Municipalities bill, I beg to state that the suggestions contained in the new bill are suitable and may be adopted. There is however one matter I should like to point out. These minor Municipalities will generally be in small places. The minor Municipalities in this District are Pavagada, Koratagere and Turuvekere. Except in the first of these places, there are parties, mutual feelings among whom are far from cordial. With a non-official President who must perforce belong to one party or another, there is bound to be a considerable amount of intrigue and I consider it necessary that the Amildar or Deputy Amildar, as the case may be should be given a place in the new scheme of things. It is not necessary that he should have the right of interference, but when complaints of mis-management or of oppressive or unlawful acts are alleged, he should have the right of inspecting the Municipal office and reporting to the Sub Division Officer. Amildars and Deputy Amildars in these small towns are looked up to by the people in cases of trouble and it is not desirable that we should leave the Amildar powerless to act when he is appealed to.

Yours sincerely,

By Command

R. [illegible], Esquire, I.C.S.,
General Secretary to Govt. of
Mysore, Bangalore

6/8/27

No. L.Dis. D2. 314-87.

Office of the Deputy Commissioner,
Mysore District.
Dated, Mysore, 3rd August 1987

6034
11 AUG 1987

Dear Sir,

Minor Municipalities Draft Bill

In reply to your D.O No.L 389-94 dated 18th July 1987, asking my opinion on the Draft Bill of Minor Municipalities, I write to state that I agree to the Bill as framed.

Yours Sincerely,

For Deputy Commissioner,
(Absent from Head Quarters)

To

R Ranga Rao, Esq., B.A., B.L.,
General Secretary to the
Government of Mysore, Bangalore.

MRS

In all future Correspondence please quote No. A3 29/27-28

20 AUG. 1927

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT

Shimoga, Dated the 18th August, 1927

Dear Sir,

With reference to your D O letter No L 389-96 dated the 18th July 1927 enclosing a copy of the draft Minor Municipalities Bill and calling for my opinion thereon, I write to state that I have gone through the Draft Bill and find that the Bill really meets a long felt want I agree generally with the main principles developed in the Bill, subject to the following suggestions of mine regarding certain important provisions I consider that the election of a Non-official President, as a general rule, in the case of every Municipal Council would be undertaking a very great risk, for, it is not always possible to get the right sort of men to exercise the important functions assigned to them under the New Bill There are many rural areas where it has been found difficult even to secure competent Vice Presidents Under Section 12(1)(a) no doubt, a proviso has been added that for any special reason, the Government

for the Amildar exercising certain specific functions of control over these bodies Many of our Minor Municipalities will for a long time to come be glorified Panchayets and as such, I consider that the Amildar as head of the Taluk should certainly have some control over these institutions That such control was necessary had been recognised by Government under the old order of things by making the Amildar, the President of the Minor or other Municipality in the Taluk and even now it is desirable in such centres where the Amildar is not the President himself to deligate to him certain powers of control over these institutions

I am in entire agreement that the power to surcharge the officers of the Municipality against loss, waste or mis-application is a wholesome provision but I would demur to such powers being exercised by the auditor independently Such wide powers in an agency outside the Department may tend to discourage respectable non-officials coming forward to take up honorary work unless some safeguards are introduced to see that no bonafide transactions are subjected to penalties It would, therefore, be advisable

may appoint a President by name or by Office But it seems to be that this proviso has to be construed more or less as an exception to the General Principle that every Minor Municipal Council shall have an elected President In the present state of things it is just likely that we may have to make use of, of this exception more often than what is intended in the Bill It is therefore a matter for consideration, whether it would not be desirable to confer the privilege of electing a President on such of the Municipal Councils as are able to put forward suitable candidates and modify the provisions of the Bill accordingly Having regard to the fact that the powers to be exercised by the President independent of the Municipal Council are important enough and having regard also to the fact that the President may not always be free from local prejudices, it will become a matter for consideration whether it would be safe to eliminate the Amildar, from having some sort of control over these areas The Assistant Commissioner's touch with local affairs may not be as effective or as prompt as that of the Amildar In the case of the Panchayets we have recognised the necessity

for the Amildar exercising certain specific functions of control over these bodies Many of our Minor Municipalities will for a long time to come be only glorified Panchayets and as such, I consider that the Amildar as head of the Taluk should certainly have some control over these institutions. That such control was necessary had been recognised by Government under the old order of things by making the Amildar, the President of the Minor or other Municipality in the Taluk and even now it is desirable in such centres where the Amildar is not the President himself to deligate to him certain powers of control over these institutions

I am in entire agreement that the power to surcharge the officers of the Municipality against loss, waste or mis-application is a wholesome provision but I would demur to such powers being exercised by the auditor independently Such wide powers in an agency outside the Department may tend to discourage respectable non-officials coming forward to take up honorary work unless some safeguards are introduced to see that no <u>bonafide</u> transactions are subjected to penalties It would, therefore, be advisable

to associate the local officers in the exercise of the surcharge powers by the auditor The final decision as to whether an officer should be surcharged or not should be left to the discretion of the Deputy Commissioners concerned

The other provisions of the Regulation do not call for any remarks except it be, for minor changes in wording, ideas &c , which I am sure will receive consideration when the Bill goes to the Committee stage

Yours sincerely,

R Ranga Rao, Esq , B A , B L ,
General Secretary to Government,
Bangalore

D O D.O No 40
27-28

LEGAL & REVENUE DEPARTMENT
23 AUG. 1927
785/L

CITY MUNICIPAL OFFICE,
BANGALORE,
Dated 23rd August 1927

Mu91-27-6

Dear Sir,

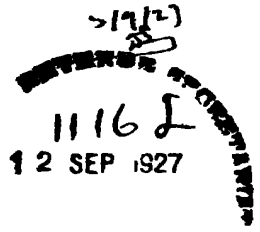
With reference to your D O letter No 389-94 dated 16th July 1927, I write to inform you that the provisions contained in the draft Minor Municipalities Bill are well suited for small Municipalities in the State The inclusion of a provision defining the executive duties of the President is certainly an improvement and it will tend to the better administration of minor Municipalities especially in the matter of sanitation and attention to minor public works.

Yours sincerely,

T Singaravelu Mudaliar, Esq, B A, B L,
Assistant Secretary to Government,
Law Department, BANGALORE.

Opinion of Mr Rafat Ra on the Draft Mysore Municipalities Bill

Recd 5 PM 5/9/27



Sub 91-27-7

The draft Mysore Minor Municipalities Bill which has been sent to me for opinion seems to be a great improvement upon the existing law on the subject The existing law is contained in some of the provisions of the Municipal Regulation The chief defect I find in the existing law is that important provisions have been relegated to the Bye-laws which are not known to the public at large and which are not uniform in all the Municipalities The draft bill consists of some portions taken from the Mysore Municipal Regulation and the acts of Calcutta Central Provinces Bombay & Punjab and other similar acts

I have carefully gone through the whole Bill and the following points seem to require consideration

Clause 8

Sub-clause (3) of this clause should provide for vesting of property in Government and not in Commissioner

Clause 9 Resignation must take effect either from the date of notice or from the date of acceptance as in Section 15 (A) of the existing Regulation

Clause 20 It is better to enact the provisions of Section 27 of the Bombay City Municipalities Act in lieu of this clause

Clause 12 Election of President should be made by the Municipal Council from among its non-official councillors without any restriction The words "in such a manner as may be determined by the Municipal Council" in Sub-Clause (1) may

may be omitted As regards the principle of election of non-officials as Presidents it seems desirable that the power should be given to the Municipal Council to elect its own President Where a suitable person is not found the Government may appoint an official President The provision now contained in the Bill seems to be on the right lines The civic consciousness of the people has been awakened and the people are eager to render civic duties and thus take part in looking after the welfare of the people and to manage their own affairs Under these circumstances it will be a wise step to throw open the office of the President for election with sufficient safeguards as I have shown later on in dealing with other clauses If what I propose regarding the duties of the President is adopted there will be no danger or apprehension of non-officials mismanaging the affairs of the Municipalities

Clause 17 It is better to define very clearly what is meant by the development of economic condition with special reference to education, agriculture and Industries and Commerce It is also better to enumerate the discretionary duties as in Section 56 of the Present Regulation and Section 51 of the Central Provinces Act

Clause 19 I would prefer the provision made in Section 41 of the present regulation being adopted in lieu of this clause

Clause 25 I would allow appeals to the Government from the order of the Deputy Commissioner in cases of loss waste or misapplication of funds by the Presidents I would give the power to Government to sanction a suit being filed for compensation against Presidents of this power should not be vested in the Deputy Commissioner as - provided in Sub-Clause (1) (b) of this claus

Clause 27 As regards the compromising of suits and claims the power should be left in the hands of the Municipal Council and not of the president In Madras the Chairman has to obtain a permission of the Council (Vide Section 351)

Clause 28 After anxious consideration I have come to the conclusion that in addition to the Deputy Commissioner and the Assistant Commissioner the Amildar may be allowed to exercise control over Minor - Municipal councils After all the Minor Municipal Councils are a little better than Village Panchayets It will serve a useful purpose if the Amildar who is on the spot and is likely to know the defects in the working of the Municipal Council is - given the power of some control over them I am, therefore of opinion that he should have the power to inspect and supervise the Municipal Councils within his jurisdiction If this policy is accepted consequential changes have to be made I accordingly suggest that the word 'Amildar" may be

be inserted after the words Assistant - Commissioner" wherever they occur in - clauses 28, 30 and 31

Clause 32 Power to suspend the action of the Municipal Council should be not vested in Deputy Commissioner and in the Assistant Commissioner I accordingly suggest the omission of the words or the "Assistant Commissioner" in this clause This is so under the present Regulation (Vide Section 174 of the Mysore Municipal Regulation)

Clause 36 I doubt very much whether the Government will be able to defray the cost of inspectors proposed to be appointed to inspect and superintend the operations of Municipal Councils No doubt a competent person should inspect the office of the Municipal Council When the Deputy Commissioner the Assistant Commissioner and the Amildar are given the power of inspecting these offices they may very well depute an intelligent clerk for this work They might inspect the office of the Municipal Council in the same way as they inspect - revenue offices This seems to be enough for the present and I am not in - favour of appointing separate inspectors for each district to attend to this function

Clause 44 Under this clause all fines imposed by the Magistrate have to be handed over to the Municipal Council I think this is an improvement and will enable the Municipal Councils to have more funds

funds to discharge their obligatory duties

Clause 46 This clause specifies the purposes for which the Municipal fund may be applied The provision now made seems to be excellent and defines with exactitude the purposes for which those funds ought to be applied Some of these provisions are not to be found in the existing Act and in consequence many cases have arisen for decision of Government The provision now made settles all disputes and sets all doubts at rest

Clause 50 (Surcharge) It is essential that a responsible officer of the Government should bring to light all the irregularities in the accounts and certify/ amounts lost by negligence or misconduct I would allow the auditor to examine the accounts as in clause 50 and certify the amount due from persons who are responsible for such loss or waste There seems to be no harm in retaining sub-clauses (2) and (3) as the person affected has a right of appeal against the demand made I would add for safety that the certificate of the Auditor should be scrutinised by the Assistant Comptroller who should also give his opinion regarding the demand made.

Clause 53 The power to compound the payment of tolls and octroi should vest in Municipal Council and not in President

Clause 57 The power reserved to Government in this clause to frame rules for prescribing the manner in which taxes etc

have to be recovered is rather drastic and is not warranted under the circumstances of the case The clause vests in the rule making authority ample powers tomake rules as they please to recover dues in any manner they please I doubt whether the legislature would consent to vest such power in the rule making authority The existing provisions in the Municipal Regulation do not enable the Municipal Council to attach immoveable property for non-payment of dues My opinion is that such dangerous powers should not be given to the Municipal Council If the - Government adopt the policy of giving such powers it would be better to define those - powers in the regulation itself as in Section 40 of the Mysore Village Panchayet Regulation

In Sub-Clause (3) of this clause it is better to clearly fix the time for the - starting point for limitation this can be done by introducing Section 40 of the Mysore Village Panchayet Regulation

Clause 71 (Search for and inspection of unwholesome articles) This power ought not be given to ~~any~~ every councillor but only to a councillor authorised by the Municipal Council

Clause 75 It is better to make this clause correspond to section 55 of the District Boards Regulation or Section 30 of the Village Panchayet Regulation

Clause 85 Municipal Councils should have the power to compromise and compound offences and not the President

The Bill on the whole seems to me to have been correctly drawn up after mature consideration and it seems to apply aptly to our minor municipalities in the State All the defects that I noticed when I was in charge of the L S G Branch have been to a great extent ~~been~~ remedied by the insertion of necessary provisions in the Bill Some verbal changes that may be required may be made at select committee stage

30 8 '27

Ag. 1
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Proceedings of the Govt of H.H
the Maharaja of Mysore

Order No L 4899-4907

Dated, Bangalore, the 24-2-

When the bill further to amend the Mysore Municipal Regulation was introduced into the Legislative Council in December 1926 it was suggested by some non-official members that a special Committee might be appointed to examine the provisions of the Mysore Municipal Regulation and suggest improvements suggestion was accepted by the Govt

2 The existing Municipal Regulation being too complex to meet the requirements of the smaller municipalities, a draft Minor Municipalities bill has been prepared and a draft bill further to amend the Municipal Regulation has also been prepared, restricting the latter to larger municipalities and including provisions which have been found necessary The Government are pleased to constitute a Committee consisting of the marginally noted members to consider the two bills The Assistant Secretary to Govt will be Secretary to the Committee

The Committee is requested to examine the bills and submit a report to Govt as early as possible

By Order,
Secretary to Government,
General Department.

To
The Members of the Committee.
The Comptr to Govt

Sabhabhushana
M. Chandy, B A , First Member of Council (Chairman)

Members

Mr B Nagappa, Bar-at-law, Secretary to Govt, Law Deptt
" N Madhava Rao, B A , B L , Chief Secretary to Govt
" A V Anantaraman, B A , Deputy Commr Bangalore
Khan Bahadur Mahomed Abbas Khan President Bangalore City Municipal Council
Rao Bahadur M S Nanjundaiya, President, Hassan Town Municipal Council
Mr L Vema Reddi

[redacted] Gazette for
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Read-

G O No. L 4899-907, dated 24th February 1928, appointing a Committee consisting of the following gentlemen as members for the consideration of the Draft Minor Municipalities Bill and the Bill further to amend the Mysore Municipal Regulation -

Rajasabhabhushana
K Chandy, B A , First Member of Council (Chairman)

Members

1 Mr B Nagappa, Bar-at-law., Secretary to Government, Law Department

2 " N Madhava Rao, B.A , B L , Chief Secretary to Government

3 " K.V Anantaraman, B.A , Deputy Commissioner, Tumkur

4 " Khan Bahadur Mahomed Abbas Khan, President, Bangalore City Municipal Council

5 " Rao Bahadur N S Nanjundaiya, President, Hassan Town Municipal Council

6 Mr B Narasinga Rao,

" " L. Vama Reddi

Order No. L 6163-73

Dated, 3rd March 1928

Govt are pleased to appoint Mr. T. Srinivasachar, ~~Municipal Commissioner~~, Kolar, ~~as an additional member~~ & Rao Sahib A Thangavelu Rao as members of the Committee

Genl Secretary to Govt
26/2/28

To

Mr T Srinivasachar
The other Members of the Committee.
The Comptroller to Government
The Compiler Mysore Gazette for publication and supply of 100 spare copies
The Press Table
Rao Sahib A Thangavelu